

REMARKS

Claims 22-30 have been canceled and claims 37-45 have been added. As such, claims 1-6, 8, 9, 12-15, 17-19, and 31-45 are currently pending in the case. Further examination and reconsideration of the presently claimed application are respectfully requested.

Allowed Claims

Applicant appreciates the Examiner's allowance of claims 1-6, 8, 9, 12-15, 17-19, and 31-36 and eagerly awaits formal allowance of the remaining claims.

Section 112 Rejection

Claims 22-30 were rejected under 35 U.S.C. § 112, second paragraph, for being indefinite. In order to expedite prosecution, claims 22-30 have been canceled rendering rejection thereto moot. Accordingly, removal of this rejection is respectfully requested.

Patentability of the Added Claims

The present amendment adds claims 37-45. Support for subject matter included in independent claim 37 may be found, for example, on page 24, lines 5-9 of the present specification:

Fig. 11 illustrates a polishing process which polishes upper layer 42 subsequent to Fig. 4 to an elevation within layer 32. In such an embodiment, the polishing process may polish through layer 34 or alternatively, layer 34 may have been omitted from the formation of the topography. The entirety of the polished upper surface may then be etched as illustrated in Fig. 12 to form isolation regions 52.

Additional support may be found, for example, on page 21, lines 2-7 of the present specification:

... a fixed abrasive polishing process may be employed to polish semiconductor topography 37 in the method as described herein. The fixed abrasive process involves placing a fluid, which is substantially free of particulate matter between the surface of the topography and an abrasive polishing surface of a rotating polishing pad. Alternatively, the process may be substantially free of fluid completely.

None of the prior art cited in previous Office Actions for the captioned case appears to teach or suggest the limitations of independent claim 37. Therefore, it is asserted that claim 37 and claims dependent therefrom are patentably distinct from the cited art.

In addition to being patentably distinct from prior art previously cited in Office Actions for the captioned case, it is asserted that claims 37-45 are definite. Although independent claim 37 includes a limitation which the Examiner found confusing for canceled claim 22 (noted in reference to the § 112, second paragraph rejection of claims 22-30 in the Office Action), it is asserted that limitations of claim 37 point out and distinctly claim the subject matter which the applicant regards as the invention. In particular, the recitation in claim 37 specifying the fill material is polished with "an abrasive polishing surface in the absence of a fluid" refers to the polishing process not including the introduction of a fluid in between the abrasive polishing surface and the fill material of the semiconductor topography being polished as clearly described on page 21, lines 2-7, of the present specification.

For at least the reasons noted above, claims 37-45 are asserted to be definite and patentably distinct from prior art cited in previous Office Actions for the captioned case. Accordingly, approval of added claims 37-45 is respectfully requested.

CONCLUSION

This response constitutes a complete response to the issues raised in the Office Action mailed November 4, 2004. In view of the remarks included herein, Applicants assert that pending claims 1-6, 8, 9, 12-15, 17-19, and 31-45 are in condition for allowance. If the Examiner has any questions, comments, or suggestions, the undersigned attorney earnestly requests a telephone conference.

No fees are required for filing this amendment; however, the Commissioner is authorized to charge any additional fees which may be required, or credit any overpayment, to Daffer McDaniel, LLP Deposit Account No. 50-3268/5298-04700.

Respectfully submitted,



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